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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

KIMORA WASHINGTON, AS
ADMINISTRATOR OF THE ESTATE OF
KEVIN FORD,
Plaintiff,

v.

Civil Action File

GWR MANAGEMENT, LLC and GWR FLAT
ROCK PARTNERS, LLC,
Defendants.

No. 4:24-cv-00081-CDL

DEPOSITION OF TIM SMITH

DATE: Thursday, February 13, 2025

TIME: 10:07 a.m.

LOCATION: Swift, Currie, McGhee & Hiers

1420 Peachtree Street Northeast

Suite 800

Atlanta, GA 30309

REPORTED BY: Jasmine Applewhite

JOB NO.: 7147118

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A P P E A R A N C E S

ON BEHALF OF PLAINTIFF KIMORA WASHINGTON, AS
ADMINISTRATOR OF THE ESTATE OF KEVIN FORD:

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ON BEHALF OF DEFENDANTS GWR MANAGEMENT, LLC AND GWR
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ALSO PRESENT:

David Ramirez, Videographer

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1 Q Yes. Exhibit 4.

2 A Okay.

3 Q The Joint Exam Briefing.

4 A Okay.

5 Q Okay. The first sentence there at the top
6 says "Initial investigation was started by
7 Ira Burnette of ProNet Group first on site October 19,
8 2022." Do you see that?

9 A Yes, sir.

10 Q Okay. Who's Ira Burnette?

11 A He is a fire investigator that works for
12 ProNet Group.

13 Q Okay. Have you ever talked to Mr. Burnette
14 about this fire?

15 A I did, yeah. I reached out to Mr. Burnette.
16 Yes, sir.

17 Q Did you connect with him?

18 A I did.

19 Q Okay. When did that happen?

20 A It was sometime after August the 1st of
21 2024.

22 Q Okay. Do you know how long after August the
23 1st, 2024?

24 A It could have been in August or September.

25 Q Okay.

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1 A Maybe -- maybe October. I reached out to
2 him to try to figure out if he knew or if he had any
3 more information than what I had.

4 Q Okay. And what did he tell you?

5 A He said that he remembered the fire. He
6 didn't remember a lot about the fire. He was going to
7 go back -- he was in the process of moving, and he was
8 going to go back to try to pull his notes up so that
9 he could call me back and discuss, and then he never
10 called me back.

11 Q Okay. And you've only spoken with him that
12 one time?

13 A Yes, sir.

14 Q Do you have any understanding of who he was
15 hired by to investigate this fire?

16 A My basic understanding of it was he was
17 representing GWR on the first-party side and not
18 the -- like the first-party claim.

19 Q Okay. As part of their making a claim with
20 their insurance company?

21 A Yes, sir.

22 Q The property owner?

23 A Yes, sir.

24 Q Okay. And according to this Joint Exam
25 Briefing on page 2, the initial investigation was

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1 started by Mr. Burnette; is that right?

2 A Yes, sir.

3 Q Okay. And he was on site on October 19th of
4 2022. And would you agree it appears from these notes
5 that Mr. Adams was also on site on that day?

6 A Yes, sir.

7 Q Okay. Have you ever spoken with Mr. Adams
8 about his October 19, 2022, site inspection?

9 A No, sir.

10 Q All right. In the next paragraph down, the
11 third sentence reads "There were some questionable
12 patterns observed in Unit 23 A." Do you see that?

13 A Yes, sir.

14 Q Okay. Do you know what Mr. Adams means by
15 questionable patterns?

16 A The only thing I can do is take it for what
17 it says on paper. It's -- I'm just reading it like
18 you are.

19 Q Okay. So you don't know which patterns he's
20 referring to in Apartment 23 A as being questionable?

21 A No, sir.

22 Q That's something I'd have to ask David
23 about?

24 A Yes, sir.

25 Q Or Mr. Adams?

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1 A Yes, sir.

2 Q All right. And just for purposes of the
3 record, 23 A is the apartment where the fire
4 originated; correct?

5 A 23 A is the apartment that was leased to
6 Ms. Chyanne Garcia. Yes.

7 Q Right.

8 A And that's where the fire is originating, is
9 in that apartment.

10 Q Okay. Do you know if anybody else was on
11 scene for the October 19, 2022, inspection other than
12 Mr. Burnette and Mr. Adams?

13 A I do not.

14 Q Okay. I'm going to hand you what we'll mark
15 as Exhibit Number 5. This should be moved. All
16 right.

17 (Exhibit 5 was marked for
18 identification.)

19 All right. You can see that up on the
20 screen there as well?

21 A Yes, sir.

22 Q All right. Have you seen this photograph
23 before?

24 A Yes, sir.

25 Q Okay. And I'll represent to you that this

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1 Did I read that correctly?

2 A Yes, sir.

3 Q Okay. Do you know where Mr. Adams got that
4 information?

5 A I do not.

6 Q That's something I would have to ask
7 Mr. Adams?

8 A Yes, sir.

9 Q Okay. All right. And then, the next
10 paragraph reads "Ms. Garcia was later interviewed by
11 Ira Burnette." Do you see that?

12 A Yes, sir, I do.

13 Q Have you spoke with Mr. Burnette about his
14 interview with Ms. Garcia?

15 A Well, like I said, when I reached out to
16 Mr. Burnette, he was going to pull his file and call
17 me back, and he never returned the phone call.

18 Q Okay. So yeah. So I don't have to keep
19 asking you this, I guess: did Mr. Burnette provide you
20 any substantive information --

21 A No, sir.

22 Q -- about the origin or cause of this fire
23 when you talked to him?

24 A No, sir.

25 Q Okay. All right. So then this paragraph

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1 though about Mr. Burnette's interview of Ms. Garcia
2 reads "She stated she had been home in bed at the time
3 of the fire. She stated she was awoken by the smoke
4 detector, and grabbed her mother's ash urn and exited
5 her apartment. Ms. Garcia told Mr. Burnette she only
6 saw smoke coming from the vents in her apartment but
7 saw no flames.

8 "Ms. Garcia also claimed the last time she
9 had cooked in the apartment was Monday or Tuesday,
10 earlier in the week. Ms. Garcia claims she was
11 involved in another fire in Florida in the past. She
12 claimed she suffered second-degree burns from a candle
13 fire, but there was no structural damage to the
14 complex." Did I read that correctly?

15 A Yes, sir.

16 Q And then, there's one final sentence that
17 says "Ms. Garcia denied there were any flames from the
18 roof when she exited the building, but she did see
19 fire on the balcony of 24 A." Did I read that
20 correctly?

21 A Yes, sir.

22 Q Okay. Would you agree with me that
23 Ms. Garcia's statement to Mr. Burnette appears to be
24 inconsistent with the statement she gave to
25 management?